

Notice of Allowability	Application No.	Applicant(s)
	10/562,864	VELIKOTNY ET AL.
	Examiner Pascal M. Bui-Pho	Art Unit 2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to _____.
2. The allowed claim(s) is/are 1-3.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Georgia Y. Epps
Georgia Epps
Supervisory Patent Examiner
Technology Center 2800

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 19 May 2006 & 12 April 2006.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Allowable Subject Matter

2. Claims 1-3 are allowed over prior art.
3. The following is an Examiner's statement of reasons for allowance:

The prior arts of record fail to anticipate and/or render obvious, either solely or in combination, an optoelectronic code-to-position encoder, comprising, among other features, a readout unit provided with a code analyzing mask including two arrays of windows with a period divisible by a code pitch and a width of each of said windows being equal to the code pitch, the windows of the code analyzing mask being shifted with regard to each other by a value equal to half of the code pitch, initial phases of the raster analyzing mask and one of the tracks of the code analyzing mask being aligned; the total width of tracks of the code analyzing mask being less than the height of windows of a code track of a coordinate scale (**Claim 1**).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- I) Ohno et al. (US 5,068,529) disclose an absolute position detection encoder including a coder having a track provided with first graduations of an absolute pattern and second graduations of an incremental pattern.

II) Schwaiger et al. (US 5,294,793) disclose a system for measuring lengths or angles comprising a scale member provided with absolutely coded scale elements and incremental scale elements.

III) Peterlechner (US 6,031,224) discloses a position measuring system including a scale and a scanning unit for scanning the scale and movable relative to the scale in a measuring direction, for generating position dependent measuring signals.

IV) Schmitt (US 4,654,527) discloses a measuring system which includes a scale which defines a measuring graduation and an array of reference marks.

V) Matsumoto et al. (US 5,563,408) disclose an absolute encoder having a coder in which an incremental pattern and an absolute pattern are arranged in parallel and a detector including sensors for detecting the incremental pattern and the absolute pattern, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

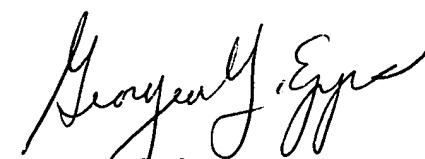
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pascal M. Bui-Pho whose telephone number is (571) 272-2714. The examiner can normally be reached on Monday through Friday: 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pascal M. Bui-Pho
Examiner, Art Unit 2878
20 September 2006



Georgia Zpps
Supervisory Patent Examiner
Technology Center 2800